

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JAMES B. TURNEY,) No. 07 PB 2623
STAR No. 17812, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
(CR No. 286489)
RESPONDENT.)

ORDER

On January 17, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer James B. Turney, Star No. 17812, for violating several Rules of Conduct (a copy of the charges and specifications is attached hereto as Exhibit A).

In June 2008, the parties entered into a settlement agreement and stipulation (attached hereto as Exhibit B).

The Police Board of the City of Chicago, having reviewed the charges and specifications and having considered the settlement agreement and stipulation, hereby orders that the provisions of the settlement agreement and stipulation are accepted and adopted.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF JUNE, 2008.

Demetrius C. Cooney
Phyllis Gelbaum
Patricia C. Bell
Vivian Gonzales
Walter A. Scott
Michael J. Smith
John P. Smith

Attested by:

Max A. Caproni

Executive Director
Police Board

BEFORE THE POLICE BOARD
OF
THE CITY OF CHICAGO

POLICE BOARD

17 JUN 08 13 48

IN THE MATTER OF CHARGES)
AGAINST)

JAMES B. TURNEY,)
Respondent.)

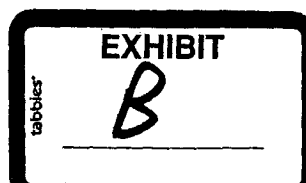
No. 06 PB 2623

SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer James Turney, by his attorney, Joseph V. Roddy, and the Superintendent of Police, Jody P. Weis, by his attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On January 17, 2007, the Superintendent filed charges with the Police Board of the City of Chicago ("the "Police Board") seeking discharge against Respondent, Police Officer James Turney ("Turney"), Star Number 17812, related to CR No. 286489.
2. Turney was suspended without pay on January 19, 2007.
3. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties which is set forth herein. With the exception that the nine-month suspension referenced in paragraph 5 of this Settlement Agreement and Stipulation, which shall become part of Turney's disciplinary record and may be considered by the Police Board, an arbitrator, a court or other administrative body subject to the collective bargaining agreement between the City of Chicago and the Fraternal Order of Police, Chicago Lodge No. 7; it is agreed that neither this Stipulation and Settlement Agreement nor any of its terms shall be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as an indication of wrongdoing, or of the legal position in these proceedings, of the Chicago Police Department, the Superintendent of Police, or any of its officers, agents, or employees of the City of Chicago, including the Respondent herein.

The parties expressly state that they are entering into this Stipulation and Settlement Agreement solely for the purposes of avoiding further expense, inconvenience and the distraction



of burdensome litigation arising out of the January 19, 2007, suspension and/or any and all matters relating to or arising out of the charges pending at the Police Board seeking the discharge of Turney, related to CR No. 286489.

4. It is the position of the City of Chicago Police Department on behalf of itself, its officers, agents, representatives and employees, that all of its actions regarding Turney were proper.

5. The parties have agreed upon the imposition of a nine-month suspension to resolve this matter. Therefore, in consideration of the provisions of this Stipulation and Settlement Agreement, the Superintendent recommends to the Police Board that Turney be suspended for the period from January 19, 2007, up to and including October 19, 2007. Turney will be reinstated effective October 20, 2007. This nine-month suspension shall become part of Turney's disciplinary record.

6. In consideration of the provisions of this Stipulation and Settlement Agreement, the Respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions or reinstatement arising out of the suspension herein referred to.

7. The parties expressly understand that the terms and obligation of this Stipulation and Settlement Agreement are subject to and conditioned upon acceptance and adoption by the Police Board. In the event that this Stipulation and Agreement is not accepted by the Police Board, it shall be deemed null and void, and this matter shall be returned to the Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used against either party.

8. If the Police Board enters an order accepting and adopting the provisions of this Stipulation and Settlement Agreement, the Respondent waives any and all forms of review of that order, in any forum whatsoever, including but not limited to, through administrative review and grievance/arbitration.

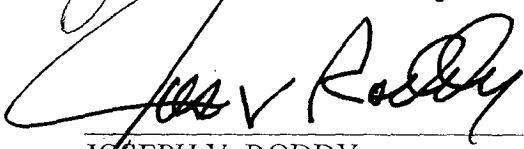
9. The parties further agree that this Stipulation and Settlement Agreement, and all of its terms, contains the entire agreement between the parties, and shall be binding on the parties, their representatives, successors and assigns.

10. Turney represents and certifies that he has carefully read and fully understands all of the provisions and effects of this Stipulation and Settlement Agreement. Turney further states that he is voluntarily entering into this Stipulation and Settlement Agreement and that neither the Department, nor the City of Chicago, or its agents, employees, officers or representatives made any representation concerning the terms or effects of this Stipulation and Settlement Agreement, other than those contained herein.

11. The parties shall bear their own attorney fees and costs, if any.


JAMES TURNEY


12 JUN 08
DATE


JOSEPH V. RODDY
Attorney for James Turney

6-13-08
DATE

CITY OF CHICAGO, DEPARTMENT OF POLICE

BY:


DEBRA KIRBY
General Counsel to the Superintendent

16 JUNE 2008
DATE

MARA S. GEORGES
Corporation Counsel of the City of Chicago

BY:


GRACELY MUÑOZ PETRICH
Assistant Corporation Counsel

June 17, 2008
DATE

CHARGES

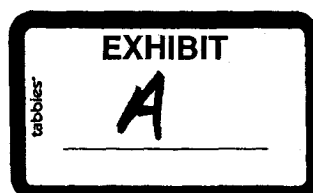
Police Officer James B. Turney, Star Number 17812, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the dates of the alleged violations.

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5: Failure to perform duty.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 10: Inattention to duty.
- Rule 14: Making a false report, written or oral.

SPECIFICATIONS

1. Police Officer James B. Turney, Star Number 17812, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:

- Count I: On or about July 31, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of Assistant State's Attorney (ASA) Ursula Walowski on his Overtime/Compensatory Time Report, dated July 31, 2002, in violation of 720 ILCS 5/17-3.
- Count II: On or about August 14, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated August 14, 2002, in violation of 720 ILCS 5/17-3.
- Count III: On or about September 18, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Tom



Simpson on his Overtime/Compensatory Time Report, dated September 18, 2002, in violation of 720 ILCS 5/17-3.

Count IV: On or about October 24, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated October 24, 2002, in violation of 720 ILCS 5/17-3.

Count V: On or about November 6, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated November 6, 2002, in violation of 720 ILCS 5/17-3.

Count VI: On or about November 14, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated November 14, 2002, in violation of 720 ILCS 5/17-3.

Count VII: On or about November 18, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated November 18, 2002, in violation of 720 ILCS 5/17-3.

Count VIII: On or about November 19, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated November 19, 2002, in violation of 720 ILCS 5/17-3.

Count IX: On or about November 27, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated November 27, 2002, in violation of 720 ILCS 5/17-3.

Count X: On or about December 18, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of an ASA on his Overtime/Compensatory Time Report, dated December 18, 2002,

in violation of 720 ILCS 5/17-3.

Count XI: On or about December 19, 2002, Officer Turney knowingly made and/or altered and/or issued and/or delivered a document, with intent to defraud, in that he affixed the signature of an ASA on his Overtime/Compensatory Time Report, dated December 19, 2002, in violation of 720 ILCS 5/17-3.

2. Police Officer James B. Turney, Star Number 17812, is charged with violating Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in one or more of the following instances:

Count I: On or about February 1, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated February 1, 2002, stating that he appeared in court for Defendant Michael McCarthy, Record Number 656924, however, the Record Number corresponds to Defendant Johnnie Sanders, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about February 8, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated February 8, 2002, stating that he appeared in court for Defendant Michael McCarthy, Record Number 648321, however, the Record Number corresponds to Aaron Barnes, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about February 22, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated February 22, 2002, stating that he appeared in court for Defendant Calvin Ware, Record Number 648321, however, the Record Number corresponds to Defendant Aaron Barnes, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count IV: On or about March 7, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated March 7, 2002, stating that he appeared in court for Defendant Victor Shenault, however, Officer Turney did not receive an Automated Court Notification for Defendant Shenault, and/or the court docket shows there was no court for Defendant Shenault on that date,

thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

- Count V: On or about March 13, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated March 13, 2002, stating that he appeared in court for Defendant Isaiah Robinson, however, the Automated Court Notification he received was for March 14 and/or March 15, 2002, and/or the court docket shows there was no court date for Defendant Robinson on March 13, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count VI: On or about March 18, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated March 18, 2002, stating that he appeared in court for Defendant Anthony Butler, Record Number 688273, however, the Record Number corresponds to Defendant Valentino Wilbourn, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count VII: On or about April 9, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated April 9, 2002, stating that he appeared in court for Defendant Mandy Gillis, Record Number 15053608, however, the Record Number corresponds to a Defendant in Juvenile court, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count VIII: On or about June 4, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated June 4, 2002, stating that he appeared in court for Defendant Michael Applewhite, Record Number 678281, however, the Record Number corresponds to Defendant Hutcherson, and/or the court docket shows there was an entry of *Nolle Prosequi* against Defendant Applewhite on June 3, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count IX: On or about June 6, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated June 6, 2002, stating that he appeared in court for Defendant David Meeks, however, the court docket shows there was no court for Defendant Meeks on that date, and/or the Automated Court Notification he received was for June 10, 2002, thereby impeding the Department's efforts to

achieve its policy and goals and/or bringing discredit upon the Department.

- Count X: On or about July 23, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated July 23, 2002, stating that he appeared in court for Defendant Larry Barber, Record Number 15126981, however, the Record Number corresponds to Defendant Peter Pecoraro, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count XI: On or about July 25, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated July 25, 2002, stating that he appeared in court for Defendant Douglass Tepp, Record Number 15184236, however, the Record Number corresponds to Defendant Chacellor Lee, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count XII: On or about July 31, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated July 31, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count XIII: On or about August 14, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated August 14, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count XIV: On or about September 16, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated September 16, 2002, stating that he appeared in court for Defendant John McDaniel, Record Number 14982641, however, the Record Number corresponds to Defendant Eddie Mason, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count XV: On or about September 18, 2002, Officer Turney forged the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated September 18, 2002, and/or he stated that he appeared in court for Defendant Kevin Smith, however the

Automated Court Notification he received and/or the arrest report for Defendant Smith, lists September 23, 2002, as the court date, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XVI: On or about October 24, 2002, Officer Turney forged the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated October 24, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XVII: On or about November 6, 2002, Officer Turney forged the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated November 6, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XVIII: On or about November 8, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated November 8, 2002, stating that he appeared in court for Defendant Juan Marcial, Record Number 015284361, and that there had been an entry of *Nolle Prosequi*, however, the Record Number corresponds to Defendant Theodore Johnson, and/or the Marcial case had been continued to December 19, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XIX: On or about November 14, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated November 14, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XX: On or about November 18, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated November 18, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XXI: On or about November 19, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated November 19, 2002, thereby impeding the Department's efforts to achieve its policy and

goals and/or bringing discredit upon the Department.

Count XXII: On or about November 27, 2002, Officer Turney forged the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated November 27, 2002, and/or he stated that he appeared in court for Defendant Louis Williams, however, the Automated Court Notification he received was for December 3, 2002, at 0900 hours, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XXIII: On or about December 18, 2002, Officer Turney forged the signature of an ASA on his Overtime/Compensatory Time Report, dated December 18, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count XXIV: On or about December 19, 2002, Officer Turney forged the signature of an ASA on his Overtime/Compensatory report, dated December 19, 2002, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

3. Police Officer James B. Turney, Star Number 17812, is charged with violating Rule 5, "Failure to perform duty," in one or more of the following instances:

Count I: On or about December 18, 2002, at 0900 hours, Officer Turney failed to appear in court at Branch 25-2 after receiving notice to appear, thereby failing to perform his duty.

Count II: On or about December 19, 2002, at 0900 hours, Officer Turney failed to appear in court at Branch 25-2 after receiving notice to appear, thereby failing to perform his duty.

4. Police Officer James B. Turney, Star Number 17812, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in one or more of the following instances:

Count I: On or about December 18, 2002, at 0900 hours, Officer Turney failed to appear in court at Branch 25-2 after receiving notice to appear, in violation of General Order 02-02, III A.2, thereby disobeying an order or directive, whether written or oral.

Count II: On or about December 19, 2002, at 0900 hours, Officer Turney failed to appear in court at Branch 25-2 after receiving notice to appear, in violation of General Order 02-02, III A.2, thereby disobeying an order or directive, whether written or oral.

5. Police Officer James B. Turney, Star Number 17812, is charged with violating Rule 10, "Inattention to duty," in one or more of the following instances:

Count I: On or about February 1, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated February 1, 2002, stating that he appeared in court for Defendant Michael McCarthy, Record Number 656924, however, the Record Number corresponds to Defendant Johnnie Sanders, thereby demonstrating inattention to duty.

Count II: On or about February 8, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated February 8, 2002, stating that he appeared in court for Defendant Michael McCarthy, Record Number 648321, however, the Record Number corresponds to Aaron Barnes, thereby demonstrating inattention to duty.

Count III: On or about February 22, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated February 22, 2002, stating that he appeared in court for Defendant Calvin Ware, Record Number 648321, the Record Number corresponds to Defendant Aaron Barnes, thereby demonstrating inattention to duty.

Count IV: On or about March 18, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated March 18, 2002, stating that he appeared in court for Defendant Anthony Butler, Record Number 688273, however, the Record Number corresponds to Defendant Valentino Wilbourn, thereby demonstrating inattention to duty.

Count V: On or about April 9, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated April 9, 2002, stating that he appeared in court for Defendant Mandy Gillis, Record Number 15053608, however, the Record Number corresponds to a Defendant in Juvenile Court, thereby demonstrating inattention to duty.

Count VI: On or about July 23, 2002, Officer Turney submitted an

Overtime/Compensatory Time Report, dated July 23, 2002, stating that he appeared in court for Defendant Larry Barber, Record Number 15126981, however, the Record Number corresponds to Defendant Peter Pecoraro, thereby demonstrating inattention to duty.

Count VII: On or about July 25, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated July 25, 2002, stating that he appeared in court for Defendant Douglass Tepp, Record Number 15184236, however, the Record Number corresponds to Defendant Chacellor Lee, thereby demonstrating inattention to duty.

Count VIII: On or about September 16, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated September 16, 2002, stating that he appeared in court for Defendant John McDaniel, Record Number 14982641, however, the Record Number corresponds to Defendant Eddie Mason, thereby demonstrating inattention to duty.

Count XIV: On or about November 8, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated November 8, 2002, stating that he appeared in court for Defendant Juan Marcial, Record Number 015284361, and that there had been an entry of *Nolle Prosequi*, however, the Record Number corresponds to Defendant Theodore Johnson, and/or the Marcial case had been continued to December 19, 2002, thereby demonstrating inattention to duty.

6. Police Officer James B. Turney, Star Number 17812, is charged with violating Rule 14, "Making a false report, written or oral," in one or more of the following instances:

Count I: On or about March 7, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated March 7, 2002, stating that he appeared in court for Defendant Victor Shenault, however, Officer Turney did not receive an Automated Court Notification for Defendant Shenault, and/or the court docket shows there was no court for Defendant Shenault on that date, thereby making a false report, written or oral.

Count II: On or about March 13, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated March 13, 2002,

stating that he appeared in court for Defendant Isaiah Robinson, however, the Automated Court Notification he received was for March 14 and/or March 15, 2002, and/or the court docket shows there was no court for Defendant Robinson on March 13, 2002, thereby making a false report, written or oral.

- Count III: On or about June 4, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated June 4, 2002, stating that he appeared in court for Defendant Michael Applewhite, Record Number 678281, however, the Record Number corresponds to Defendant Hutcherson, and/or the court docket shows there was an entry of *Nolle Prosequi* against Defendant Applewhite on June 3, 2002, thereby making a false report, written or oral.
- Count IV: On or about June 6, 2002, Officer Turney submitted an Overtime/Compensatory Time Report, dated June 6, 2002, stating that he appeared in court for Defendant David Meeks, however, the court docket shows there was no court for Defendant Meeks on that date, and/or the Automated Court Notification he received was for June 10, 2002, thereby making a false report, written or oral.
- Count V: On or about July 31, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, dated July 31, 2002, thereby making a false report, written or oral.
- Count VI: On or about August 14, 2002, Officer Turney forged the signature of ASA Ursula Walowski on his Overtime/Compensatory Time Report, thereby making a false report, written or oral.
- Count VII: On or about September 18, 2002, Officer Turney forged the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated September 18, 2002, and/or he stated that he appeared in court for Defendant Kevin Smith, however the Automated Court Notification he received and/or the arrest report for Defendant Smith lists September 23, 2002, as the court date, thereby making a false report, written or oral.
- Count VIII: On or about October 24, 2002, Officer Turney forged the signature of ASA Tom Simpson on his Overtime/Compensatory Time Report, dated October 24, 2002, thereby making a false report, written or oral.



PHILIP J. CLINE

Superintendent of Police

APPROVED AS TO FORM



Aracely Muñoz Contreras

Assistant Corporation Counsel

P. B. CASE # FILED

07 - 2623 JAN 17 2007

CHICAGO POLICE BOARD